

REMARKS

This Amendment is in response to the Office Action mailed on April 4, 2005. In the Office Action, the Examiner rejected claims 1-10 and 12-22. With this Amendment, Applicant has amended claims 1, 3, 12 and 22, amended the specification and amended FIGS. 3B, 4B, 5B and 6B. Replacement drawing sheets are submitted herewith. The amendments to the claims incorporate features illustrated in originally filed FIGS. 3B, 4B, 5B and 6B. The amendments made to the specification and the figures further clarify that which was illustrated in the originally filed FIGS. 3B, 4B, 5B and 6B. No new matter has been added. It is respectfully believed that claims 1-10 and 12-22 are in condition for allowance.

Claims 1-10 and 12-22 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. The Examiner cites MPEP § 2172.01 and states that the omitted element is attachment means for holding the filter in an aperture of an enclosure. The Examiner further questions "How can a filter sit in an aperture of an enclosure without any adhesive or any other fastener to help the filter secured [sic] in a hole in an aperture?"

MPEP § 2172.01 states that "A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. § 112, first paragraph, as not enabling." MPEP § 2172.01 also refers to § 2164.08(c), which states that "a feature which is taught as critical in a specification and not recited in the claims should result in a rejection of such claim under the enablement provision." MPEP § 2164.08(c) further clarifies that a critical feature is one that is clearly defined in the specification as being critical for the invention to function as intended.

It is respectfully pointed out that MPEP § 2172.01 clearly states that a claim which omits matter may be rejected under 35 U.S.C. § 112, first paragraph, as not being enabling. The Examiner has rejected claims 1-10 and 12-22 under 35 U.S.C. § 112, second paragraph. Therefore, the Examiner has made an improper rejection under the MPEP guidelines and this rejection should be withdrawn.

However, even if the Examiner had made a rejection under 35 U.S.C. § 112, first paragraph, it is respectfully pointed out that an attachment means is neither essential nor critical for the present invention to function. The broad description of label 358, 458, 558 or seal 660 that is adhered to the outer surface of the enclosure does not describe the label or seal as being essential. It merely describes that the label or seal can prevent filtration canister 340, 440, 540 and 640 from falling out of the aperture. See at least page 6, lines 24-30 of the specification. As illustrated in FIGS. 3B, 4B, 5B and 6B, the filtration canister can sit in the aperture of the present invention without an attachment means based on the shape of the diameter of the aperture and gravity.

Claims 1-10 and 12-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Crowder (US 6,214,070). Independent claims 1, 12 and 22 are amended to incorporate features illustrated in originally filed FIGS. 3B, 4B, 5B and 6B. It is respectfully submitted that the cited reference fails to teach or suggest all of the claim elements of independent claims 1, 12 and 22.

In particular, Crowder fails to teach or suggest that “a diameter of the aperture continuously tapers from the outer surface to the inner surface” of the enclosure. Instead, and as illustrated in FIG. 8 of Crowder, aperture 38 includes a recess 40. It is respectfully submitted that claims 1, 12 and 22 are in condition for allowance over Crowder.

Dependent claim 3 has also been amended to incorporate features illustrated in FIGS. 3B, 4B, 5B and 6B. It is respectfully submitted that claims 2-10 and 13-20 are also allowable over Crowder as at least depending on allowable base claims 1 and 12. These dependent claims are also allowable over Crowder for additional reasons. For example, Crowder fails to teach or suggest “the filter having a diameter that continuously tapers from the first end to the second end” as claimed in claim 3. Instead, as illustrated in FIG. 6, filter assembly 10 includes a flange 14. In another example, Crowder fails to teach or suggest a seal let alone a label adhered to a seal as claimed in claims 8, 9, 10, 16, 17, 18 and 20.

It is respectfully submitted that claims 1-10 and 12-22 are in condition for allowance.
Favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit
any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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